


# Overview of Family Leave Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city family leave laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit</p> <p>A Better Balance (<a href="http://ABetterBalance.org">ABetterBalance.org</a>)</p>	<p>Massachusetts</p>
<p>What purposes can leave be used for?</p>	<p>Medical leave can be used for a worker's own serious health condition. Family leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain military family needs.</p>
<p>Who is covered? California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details</p>	<p>Employees covered by the state unemployment insurance law, except for some public employees, are covered.</p>
<p>Are public sector workers automatically covered? Note that no state law covers federal employees.</p>	<p>State employees are automatically covered. Local government employees are not automatically covered. Public sector employers not covered by the law can opt in to coverage.</p>
<p>Are domestic workers covered?</p>	<p>Yes.</p>
<p>Can self-employed workers opt-in to coverage?</p>	<p>Yes. <i>Certain self-employed workers may be covered automatically.</i></p>



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## Massachusetts

What are the requirements to qualify for benefits?

Workers must have earned a minimum amount (currently, \$6,300) during the base period and must meet an earnings requirement tied to the worker's average earnings that, in effect, means the worker must have worked for a certain number of weeks.  
The base period is the last 4 completed quarters.  
This can combine income from more than one employer.

What family members are covered?

A family member includes a worker's spouse, domestic partner, child, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling. The law's definition of domestic partner is flexible and does not require registration. *The definition of domestic partner includes any person who is at least 18 years old and "is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including, but not limited to: (A) common ownership of real or personal property; (B) common householding; (C) children in common; (D) signs of intent to marry; (E) shared budgeting; and (F) the length of the personal relationship with the covered individual . . . ."*



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## Massachusetts

How is the program funded?

Workers and employers share the cost of medical leave. Employers can withhold up to 40% of the premium from workers' wages; employers cover the remaining cost.

*A self-employed individual who elects coverage is required to pay the full cost of family and medical leave premiums.*

Employers with fewer than 25 employees in Massachusetts are not required to pay the employer portion.

*For purposes of determining the number of employees, self-employed people who are part of the employer's workforce are considered employees if self-employed people make up more than fifty percent of the employer's workforce.*

Currently, the total premium for medical leave is 0.70% of wages.

Workers cover the full cost of family leave. Currently, the premium is 0.18% of wages.

The total premium for family and medical leave is 0.88% of wages.

Premiums do not apply to wages above the Social Security contribution base.

What percentage of wages do workers receive?

80% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 50% of the statewide average weekly wage

What is the maximum weekly benefit?

64% of the statewide average weekly wage  
Current: \$1,149.90/week

For how long can a worker receive benefits?

Own health: Up to 20 weeks in any benefit year.

Family leave: Up to 12 weeks in any benefit year.

Total: Up to 26 weeks in any benefit year.

*Military caregivers can receive up to 26 weeks of family leave in any benefit year.*



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Massachusetts

Is there an unpaid waiting period?

Yes—there is a 7-day unpaid waiting period.

Are workers entitled to have their jobs back when they return?

Yes.  
*A worker returning from paid family or medical leave must be restored to the worker's prior position or "an equivalent position, with the same status, pay, employment benefits, length of service credit and seniority as of the date of leave." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on paid family and medical leave. Workers may have protections under other laws, such as the FMLA or the Massachusetts Parental Leave Act.*

How is the insurance provided?

By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.

Statutory Citation

Mass. Gen. Laws ch. 175M, § 1 et seq.